

By: J. Johnson of Harris

H.B. No. 320

A BILL TO BE ENTITLED

1 AN ACT

2 relating to measures to assist students enrolled at public
3 institutions of higher education who are homeless or who are or were
4 in foster care.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 51.9356, Education Code,
7 is amended to read as follows:

8 Sec. 51.9356. DESIGNATION OF LIAISON OFFICER TO ASSIST
9 STUDENTS WHO ARE OR WERE IN FOSTER CARE OR WHO ARE HOMELESS.

10 SECTION 2. Section 51.9356, Education Code, is amended by
11 amending Subsections (a), (b), and (d) and adding Subsections (b-1)
12 and (g) to read as follows:

13 (a) In this section:

14 (1) "Institution[, "~~institution~~"] of higher education"
15 has the meaning assigned by Section 61.003.

16 (2) "Students who are homeless" has the meaning
17 assigned to the term "homeless children and youths" under 42 U.S.C.
18 Section 11434a and includes students who reside in a student
19 housing facility maintained by an institution of higher education
20 during an academic term but who are homeless between academic
21 terms.

22 (b) Each institution of higher education shall designate at
23 least one employee of the institution to act as a liaison officer
24 for current and incoming:

1 (1) students [at the institution] who are or were
2 [formerly] in the conservatorship of the Department of Family and
3 Protective Services; and

4 (2) students who are homeless.

5 (b-1) To the extent allowed by state or federal law, each
6 [the] institution of higher education shall identify [those]
7 students described by Subsection (b) from information provided to
8 the institution in admission or financial aid applications or other
9 available resources.

10 (d) The liaison officer shall:

11 (1) contact a person designated under 42 U.S.C.
12 Section 11432(g)(1)(J)(ii) as necessary to facilitate the
13 transition of students described by Subsection (b) from secondary
14 to postsecondary education; and

15 (2) provide to those [the] students [described by
16 Subsection (b)] information regarding support services and other
17 resources available to the students at the institution of higher
18 education, including information about financial aid, on-campus
19 and off-campus housing, food and meal programs, and counseling
20 services, and any other relevant information to assist the
21 students.

22 (g) The Texas Higher Education Coordinating Board shall
23 adopt rules and establish policies and procedures to ensure that a
24 liaison officer designated under this section to serve students who
25 are homeless participates in a professional development program
26 under 42 U.S.C. Section 11432(d)(5).

27 SECTION 3. The heading to Section 51.978, Education Code,

1 is amended to read as follows:

2 Sec. 51.978. TEMPORARY HOUSING BETWEEN ACADEMIC TERMS FOR
3 CERTAIN STUDENTS WHO WERE [~~FORMERLY~~] UNDER CONSERVATORSHIP OF
4 DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES OR WHO ARE HOMELESS.

5 SECTION 4. Section 51.978(a), Education Code, is amended by
6 adding Subdivision (3) to read as follows:

7 (3) "Students who are homeless" has the meaning
8 assigned to the term "homeless children and youths" under 42 U.S.C.
9 Section 11434a and includes students who reside in a student
10 housing facility maintained by an institution of higher education
11 during an academic term but who are homeless between academic
12 terms.

13 SECTION 5. Section 51.978(b), Education Code, is amended to
14 read as follows:

15 (b) To be eligible to receive housing assistance from an
16 institution of higher education under Subsection (c), a student
17 must:

18 (1) be:

19 (A) a student who has [~~have~~] been under the
20 conservatorship of the Department of Family and Protective Services
21 or its predecessor in function on the day preceding:

22 (i) [~~(A)~~] the student's 18th birthday; or

23 (ii) [~~(B)~~] the date the student's
24 disabilities of minority are removed by a court under Chapter 31,
25 Family Code; or

26 (B) a student who is homeless;

27 (2) be enrolled full-time at the institution during

1 the academic term:

2 (A) for which the student requests the housing
3 assistance; or

4 (B) immediately preceding the period for which
5 the student requests the housing assistance;

6 (3) be registered or otherwise have taken the actions
7 required by the institution to permit the student to enroll
8 full-time at the institution during the academic term immediately
9 following the period for which the student requests the housing
10 assistance; and

11 (4) lack other reasonable temporary housing
12 alternatives between the academic terms described by Subdivisions
13 (2) and (3), as determined by the institution.

14 SECTION 6. Subchapter 2, Chapter 51, Education Code, is
15 amended by adding Section 51.9781 to read as follows:

16 Sec. 51.9781. PRIORITY ACCESS TO STUDENT HOUSING FOR
17 STUDENTS WHO ARE HOMELESS. (a) In this section:

18 (1) "Institution of higher education" has the meaning
19 assigned by Section 61.003.

20 (2) "Students who are homeless" has the meaning
21 assigned to the term "homeless children and youths" under 42 U.S.C.
22 Section 11434a and includes students who reside in a student
23 housing facility maintained by an institution of higher education
24 during an academic term but who are homeless between academic
25 terms.

26 (b) An institution of higher education that maintains
27 student housing facilities shall give priority in the assignment of

1 housing in those facilities to students who are homeless.

2 SECTION 7. Section 61.0908, Education Code, is amended to
3 read as follows:

4 Sec. 61.0908. DESIGNATION OF LIAISON OFFICER TO ASSIST
5 STUDENTS WHO WERE [~~FORMERLY~~] IN FOSTER CARE OR WHO ARE HOMELESS.

6 (a) In this section, "students who are homeless" has the meaning
7 assigned to the term "homeless children and youths" under 42 U.S.C.
8 Section 11434a and includes students who reside in a student
9 housing facility maintained by an institution of higher education
10 during an academic term but who are homeless between academic
11 terms.

12 (b) The board shall designate at least one employee of the
13 board to act as a liaison officer for the following current and
14 incoming students at institutions of higher education:

15 (1) students who were [~~formerly~~] in the
16 conservatorship of the Department of Family and Protective
17 Services; and

18 (2) students who are homeless.

19 (c) The liaison officer shall assist in coordinating
20 college readiness and student success efforts relating to [~~those~~]
21 students described by Subsection (b).

22 (d) The board shall establish policies and procedures to
23 ensure that a liaison officer designated under this section to
24 serve students who are homeless participates in a professional
25 development program under 42 U.S.C. Section 11432(d)(5).

26 SECTION 8. Section 61.0909, Education Code, is amended to
27 read as follows:

1 Sec. 61.0909. MEMORANDUM OF UNDERSTANDING REGARDING
2 EXCHANGE OF INFORMATION FOR STUDENTS WHO WERE [~~FORMERLY~~] IN FOSTER
3 CARE OR WHO ARE HOMELESS. (a) In this section:

4 (1) "Agency" means the Texas Education Agency.

5 (2) "Department" [~~"department"~~] means the Department
6 of Family and Protective Services.

7 (3) "Students who are homeless" has the meaning
8 assigned to the term "homeless children and youths" under 42 U.S.C.
9 Section 11434a and includes students who reside in a student
10 housing facility maintained by an institution of higher education
11 during an academic term but who are homeless between academic
12 terms.

13 (b) The board, the agency, and the department shall enter
14 into a memorandum of understanding regarding the exchange of
15 information as appropriate to facilitate:

16 (1) the department's evaluation of educational
17 outcomes of students at institutions of higher education who were
18 [~~formerly~~] in the conservatorship of the department; and

19 (2) the agency's evaluation of educational outcomes at
20 institutions of higher education of students who are homeless.

21 **(b-1)** The memorandum of understanding must require:

22 (1) the department to provide the board each year with
23 demographic information regarding individual students enrolled at
24 institutions of higher education who were [~~formerly~~] in the
25 conservatorship of the department following an adversarial hearing
26 under Section [262.201](#), Family Code;

27 (2) the agency to provide the board each year with

1 demographic information regarding individual students who are
2 homeless and who are enrolled at an institution of higher
3 education; and

4 (3) [~~(2)~~] the board, in a manner consistent with
5 federal law, to provide:

6 (A) the department with aggregate information
7 regarding educational outcomes of students for whom the board
8 received demographic information under Subdivision (1); and

9 (B) the agency with aggregate information
10 regarding educational outcomes of students for whom the board
11 received demographic information under Subdivision (2).

12 (c) For purposes of Subsection (b-1)(3) [~~(b)(2)~~],
13 information regarding educational outcomes includes information
14 relating to student academic achievement, graduation rates,
15 attendance, and other educational outcomes as determined by the
16 board, the agency, and the department.

17 (d) The department or the agency may authorize the board to
18 provide education research centers established under Section 1.005
19 with demographic information regarding individual students
20 received by the board in accordance with Subsections (b-1)(1) and
21 (2) [~~Subsection (b)(1)~~], as appropriate to allow the centers to
22 perform additional analysis regarding educational outcomes of
23 students who were in the conservatorship of the department and of
24 students who are homeless [~~foster care~~]. Any use of information
25 regarding individual students provided to a center under this
26 subsection must be approved by the department or the agency, as
27 applicable.

1 (e) This [~~Nothing in this~~] section may not be construed to:

2 (1) require the board, the agency, or the department
3 to collect or maintain additional information regarding students
4 who were [~~formerly~~] in the conservatorship of the department or
5 students who are homeless; or

6 (2) allow the release of information regarding an
7 individual student in a manner not permitted under the Family
8 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section
9 1232g) or another state or federal law.

10 SECTION 9. (a) As soon as practicable after the effective
11 date of this Act, the Texas Higher Education Coordinating Board
12 shall adopt rules and establish policies and procedures as required
13 by Section [51.9356](#), Education Code, as amended by this Act.

14 (b) As soon as practicable after the effective date of this
15 Act, the Texas Higher Education Coordinating Board shall establish
16 policies and procedures as required by Section [61.0908](#), Education
17 Code, as amended by this Act.

18 (c) Not later than January 1, 2024, the Texas Higher
19 Education Coordinating Board shall designate a liaison officer as
20 required by Section [61.0908](#), Education Code, as amended by this
21 Act.

22 (d) Not later than March 1, 2024, the Texas Higher Education
23 Coordinating Board, the Department of Family and Protective
24 Services, and the Texas Education Agency shall enter into the
25 memorandum of understanding as required by Section [61.0909](#),
26 Education Code, as amended by this Act.

27 SECTION 10. This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this Act takes effect September 1, 2023.